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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,973	09/12/2000	Mark Clayton	TC00047	6026
22863	7590	02/03/2005	EXAMINER	
MOTOROLA, INC. CORPORATE LAW DEPARTMENT - #56-238 3102 NORTH 56TH STREET PHOENIX, AZ 85018			OPIE, GEORGE L	
			ART UNIT	PAPER NUMBER
			2126	

DATE MAILED: 02/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/659,973		Clayton et al.	
	<b>Examiner</b>  George L. Opie		<b>Art Unit</b>  2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ☐ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ☐ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ☐ is/are objected to.
- 8) ☐ Claim(s) ☐ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ☐ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ☐ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ☐.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- |  |   |
|--|---|
| 14) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                       | 17) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) <input type="checkbox"/> . |
| 15) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                              | 18) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                    |
| 16) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <input type="checkbox"/> . | 19) <input checked="" type="checkbox"/> Other:  |
|  | <small>Text doc for USP6,801,949</small>  |

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## DETAILED ACTION

This Office Action is responsive to the Amendment filed 26 July 2004.

**1. Descriptive Title Required**

In the previous Office Action, the Applicant was advised that the originally-presented title of the invention was not descriptive. Pursuant thereto, Applicant has amended the title, however, the currently presented title is less descriptive than the original title. It appears that Applicant did not make a good-faith effort to comply with the referenced Office requirement. The original title consisted of eight words, (61 characters), and now, the Applicant's current title submission is six words (42 characters). Not only has the Applicant significantly reduced the title length, the Applicant persists in using broad terms fraught with ambiguity.

Originally presented title:

"Information appliance system having focus manager and method"

Currently presented title:

"Method of managing an asynchronous entity"

The title should be as **"specific as possible"** 37 CFR 1.72 while not exceeding "500 characters in length". The title should provide "informative value" and serve to aid in the "indexing, classifying, searching" and various other Official functions. A new title is required that is **clearly indicative of the invention** to which the claims are directed. MPEP606.01 (emphasis added).

Appropriate correction is required.

**2. Reference to Copending Application**

It is noted that this Application references a related copending Application. Applicant should update the copending Application information to ensure the current status is reflected in this reference.

3. The U.S. Patents used in the art rejections below have been provided as text documents which correspond to the U.S. Patents. The relevant portions of the text documents are cited according to page and line numbers in the art rejections below. For the convenience of Applicant, the cited sections are highlighted in the *text documents*.

**4. Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

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matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5-12 and 16-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida et al. (U.S. Patent 6,130,757) in view of Bruck et al. (U.S. Patent 6,801,949).

As to claim 1, Yoshida teaches an information appliance system (client-server system, p3 5-9) comprising:

an information appliance device having a user interface device (client apparatus ... the guidance menu, abstract) wherein the user interface device comprises a plurality of user interface device resources (information on the functions that can be provided by each of the plurality of server apparatuses, p3 14-23)

an entity (server, abstract) wherein the entity is disposed to utilize the plurality of user interface device resources (realize the functions provided, p3 5-9)

a focus manager (CPU 103 functions as a job managing unit, p9 52 – p10 16) and an asynchronous request (inputs an instruction for requesting a job, p13 4-12) having a corresponding asynchronous entity (functions provided by the server, p3 5-9) wherein the asynchronous request is received by the focus manager (CPU 103, on receiving a job request, 23-29p16) wherein the asynchronous request is stored and assigned a priority level (job management unit ... assigning priorities to the jobs each time a job is requested, p3 37-44) wherein based on the priority level the asynchronous entity takes control of the plurality of user interface device resources from the entity (CPU 103 executes jobs according to the priorities, p9 52 – p10 16) wherein the asynchronous entity utilizes the plurality of user interface device resources (executes necessary processes according to the job types, p10 35-49) and wherein the asynchronous entity returns control of the plurality of user interface device resources to the entity (CPU 103 ... deletes the jobs from the server management as the jobs complete, p16 40-45).

Although Yoshida does not specifically recite the use of a queue for holding the requests, Yoshida suggests such a data structure for storing the requests as the job managing unit employs a “table” mechanism that facilitates the searching “for a job having the highest priority”, p11 15-19 in the information appliance system. It would have been obvious for one skilled in the art to stipulate use of a queue in Yoshida’s request storing and searching scheme.

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The Yoshida reference, however, does not explicitly disclose the limitation wherein the entity is unelectable by a user and the request is non-user initiated.

Bruck teaches an asynchronous request (response to client, p8 39-56) corresponding to an asynchronous entity (application servers, p8 1-13) unelectable by a user (dynamic assignment of virtual IP addresses to different server cluster machines, p9 52-57) wherein the asynchronous request is non-user initiated and unpredictable (Network layer ... determines which path data will take from a source computer to a destination, p10 28-34).

It would have been obvious to combine Bruck's teachings with Yoshida because the "dynamic load balancing", p11 1-9 service assignments provide an efficacious processing of requests through the distributive computing environment.

As to claim 5 Yoshida teaches the application returns control to the server upon acknowledgement, p10 35-49.

As to claims 6-7 Yoshida teaches that a first job type is "executed immediately", p3 44-52 while a second type of job request is "waiting", p11 1-4 its turn in the system for processing.

As to claim 8, Yoshida (p3 5-9) teaches the functions provided by the server are realized, or made use of by the job execution.

As to claims 9-11, Yoshida's (pp2-3) server functions read-on the recited asynchronous entity comprises an application, service or subsystem .

As to claims 12 and 16-19, note the rejections of claims 1-8 above. Claims 12-19 are the same as claims 1-8, except claims 12-19 are method claims and claims 1-8 are apparatus claims.

6. Claims 2-4 and 13-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshida and Bruck as applied to claims 1 and 12 respectively, and further in view of Jones et al. (U.S. Patent 6,003,061).

As to claims 2-4, Yoshida teaches the information appliance system with priority management mechanisms, however, Yoshida does not disclose the importance with urgency elements for time-dependent processing.

Jones teaches using "a unified urgency indicator to schedule the execution" of requested operations, p3 47 – p4 12. Also, Jones (p27 1-9) shows the versatility of the client-server mechanisms for distributing/managing attributes of the processing; in other words, each computer is "capable of serving as

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either the client or server" for purposes of storing, retrieving and providing the requisite functionality.

It would have been obvious to combine the managing of importance and urgency constraints taught by Jones with Yoshida because many "multimedia applications demand time-specific scheduling for acceptable performance" p3 47-p4 12 which would enhance the job managing in Yoshida's information appliance system so that it would properly execute the specified services.

As to claims 13-15, note the rejections of claims 2-4 above. Claims 13-15 are the same as claims 2-4 except claims 13-15 are method claims and claims 2-4 are apparatus claims.

7. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure. Specifically, the below reference(s) will also have relevancy to one or more elements of the Applicant's claimed invention as follows:

U.S. Patent No. 6,775,729 to Matsuo et al. which teaches the distributing requested assignments among available resources;

U.S. Patent No. 6,578,064 to Saito et al. which teaches the urgency factor affecting the designation of services;

U.S. Patent No. 6,092,178 to Jindal et al. which teaches the policy for dispatching client requests to entities; and,

U.S. Patent No. 5,774,668 to Choquier et al. which teaches the allocating and redirecting requests to servers.

#### **8. Response to Applicant's Arguments:**

In considering the asynchronous request and asynchronous entity recitations, it is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad interpretation of the claims in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention.

Applicant's arguments, filed 26 July 2004, have been considered but are deemed to be moot in view of the new grounds of rejection necessitated by Applicant's amendments.

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**Contact Information:**

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private-PAIR or Public-PAIR.

Status information for unpublished applications is available through Private-PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

All responses sent by U.S. Mail should be mailed to:

**Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**

Hand-delivered responses should be brought to Crystal Park Two, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.


The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(703) 305-9600**.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (571) 272-3766 or via e-mail at [George.Opie@uspto.gov](mailto:George.Opie@uspto.gov). Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.

  
MENG-AL T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100